IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 4TH OCTOBER 2006 / 12TH ASWINA 1928

Bail Appl..No. 5907 of 2006

AGAINST THE ORDER DATED 19/09/2006 IN CMP. 2026 /2006 IN CC.102/2003 of J.M.F.C.-II, CHENGANNUR
CRIME NO.119/2002 OF MANNAR POLICE STATION

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PETITIONER/ACCUSED (IN CUSTODY)

INDIRA DEVI, W/O.SATHYA RAJ,
VALIYAVILAYIL HOUSE, KURUMBOLA SOUTH,
PANDALAM, PATHANAMTHITTA (DT).

BY ADV. SRI.P.VINODKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2006, ALONG WITH B.A.NOS. 5910/06, 5911/06, 5923/06, 5928/06 AND 5929/06, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos.5907/06, 5910/06, 5911/06, 5923/06, 5928/06 & 5929/06

DATED THIS THE 4TH DAY OF OCTOBER, 2006

O R D E R

The petitioner, in all the bail applications, is one and the same person and she is before this Court, under Section 439 Cr.P.C., as she is in judicial custody from 18.9.2006. She surrendered before the Court below consequent on the issuance of the non bailable warrants, as she was absconding in those cases. C.C.No.102/2003, C.C.No.101/2003, C.C.No.100/2003, C.C.No.105/2003, C.C.No.104/2003 and C.C.No.103/2003 are pending before the Judicial Magistrate of First Class-II, Chengannur, for the offence punishable under Sections 419 and 420 IPC.

2. The prosecutor submits that the petitioner was absconding from 15.10.2005. The learned counsel produced the medical certificate dated 15.9.2006, in which, the doctor certified that the petitioner was suffering from Diabetic Mellitus and Hyper tension and

therefore, she was advised house rest from 1.10.2005 to 17.9.2006.

3. I am unable to accept the medical certificate, for there is no need for a patient, suffering from such diseases, to have house rest for such a long time. In these circumstances, I agree with the view taken by the learned Magistrate dismissing the prayer for bail, in the order of that Court, passed on 19.9.2006.

4. In the above facts situation, I am not inclined to grant bail to the petitioner. However, the petitioner cannot be kept in indefinite judicial custody and an expedite trial and disposal of the case is necessary. Hence, I direct the learned Magistrate to dispose of the case, as early as possible, in any case, within two months from the date of the receipt of a copy of this order.

5. If, in any case, the Court is not able to complete the trial and dispose of the case within the above said period, the petitioner shall be released on

bail, by the learned Magistrate. If that be so, the Magistrate shall report to this Court, the reason(s) for not disposing the cases as directed.

The applications are disposed of as above.

J.M.JAMES
JUDGE

mrcs